Copy for Operators. Permit now in effect

ADEQ Inventory No. 100840 Permit No. AZ0024759

AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. 1251 et seq., the "Act"),

The United States Army
Fort Huachuca Wastewater Treatment Plant
Building 90713, Brainard Road
Fort Huachuca, AZ. 85613

is authorized to discharge treated domestic wastewater from the Fort Huachuca wastewater treatment plant serving Fort Huachuca in Cochise County, Arizona to an unnamed wash that feeds Soldier Creek, tributary of the Babocomari River in the San Pedro River Basin at:

Discharge No.	Latitude	Longitude
001	31°34' 48"	110°18' 36"
002	31°35' 13"	110°18' 43"
003	31°35' 16"	110°18' 43"
004	31°35' 20"	110°18' 43"
005	31°35' 24"	110°18' 43"
006	31°35' 27"	110°18' 46"
007	31°35' 31"	110°18' 46"

Township 21 S, Range 20 E, Sections 21 and 28

in accordance with effluent limitations, monitoring requirements and other conditions set forth herein, and in the attached 15 pages of EPA Region 9 "Standard Federal NPDES Permit Conditions," dated May 10, 1990.

This permit shall become effective on SEP 01 2001

This permit and the authorization to discharge shall expire at midnight, SEP 02 2006.

Signed this 25th day of July 2001.

For the Regional Administrator

Alexis Strauss, Director

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

[based on a maximum permitted flow of 3,785 m^3/day (1.00 mgd)]

1. The permittee is authorized to discharge from outfalls with serial numbers: 001, 002, 003, 004, 005, 006, and 007:

   a. Such discharges shall be limited and monitored by the permittee as specified below. The limitations and monitoring requirements apply at the outfall or outfalls that discharge treated wastewater directly from the Fort Huachuca WWTP. The limitations and monitoring requirements listed below do not apply to discharges from one recharge basin into another.

TABLE 1

Effluent Characteristic	Maximum Allowable Discharge Limitations: Mass limits Kilograms/day			Concentration limits Units specified			Monitoring Requirements	
	Average Monthly	Average Weekly	Maximum	Average Monthly	Average Weekly	Maximum	Monitoring Frequency	Sample
Flow (MGD)[1]	N/A[2]	N/A	N/A	Report[3]	Report[3]	Report[3]	Continuous	Meter
Biochemical Oxygen Demand (5-day)[4]	113	170	N/A	30 mg/L	45 mg/L	N/A	Once/month	8 - hour Composite
Fecal Coliform Bacteria	N/A	N/A	N/A	200 cfu /100 ml[5]	N/A	800 cfu /100 ml	Once/month	Discrete
Settleable Solids	N/A	N/A	N/A	1 ml/L	N/A	2 ml/L	Once/month	Discrete
Suspended Solids[4]	113	170	N/A	30 mg/L	45 mg/L	Report mg/L[3]	Once/month	8 - hour Composite
Total Residual Chlorine	0.0189	N/A	0.0416	5 µg/l	N/A	11 µg/l	Once/week	Discrete
Chronic Toxicity *Pimephales promelas*	N/A	N/A	N/A	N/A	N/A	Report TU_c[3]	2 X/permit[6]	8 - hour Composite
Chronic Toxicity *Ceriodaphnia sp.*	N/A	N/A	N/A	N/A	N/A	Report TU_c[3]	2 X/permit[6]	8 - hour Composite
pH	Not less than 6.5 standard units nor greater than 9.0 standard units						Once/week	Discrete

Footnotes:

1. MGD = Millions of gallons per day.
2. N/A = Not Applicable.
3. Monitoring and reporting required. No limit set at this time.
4. Both the influent and effluent shall be monitored and reported. For Biochemical Oxygen Demand (5-day) and Total Suspended Solids, the arithmetic mean, by concentration, for effluent samples collected in a period of 30 consecutive calendar days shall not exceed 15 % of the arithmetic mean of the values, by concentration, for influent samples collected at approximately the same times during the same period.
5. CFU = colony forming units. A minimum of five samples are required in order to report a geometric mean for fecal coliform. If fewer than five samples are collected during any given monitoring period, then "N/A" should be reported for the average.
6. Whole Effluent Toxicity (WET) testing is required twice during the life of this permit. See Section F (page 15) for the required timing, description and reporting of these WET tests.

b. Trace Substances Monitoring

Trace substances shall be monitored as specified below. All metals effluent action levels and monitoring requirements are for total recoverable metals, except for Chromium VI, for which the action levels listed are dissolved. All pollutants must be analyzed according to methods authorized in 40 CFR Part 136.

After a **minimum** of eight quarterly samples has been obtained for each parameter listed, the permittee may apply to EPA/ADEQ for a permit modification to reduce or eliminate further monitoring for some or all of the parameters in Table 2. The request to modify shall contain a tabulation of all data accrued under Table 2 and should be sent to: ADEQ, Federal Permits & Program Development Unit, 3033 N. Central Ave., Phbenix, AZ, 85012. EPA/ADEQ will evaluate the data to determine if a permit modification is warranted.

TABLE 2

Parameter	ACTION LEVELS[1] Mass Values (kilograms/day)		Concentration ($\mu g/L$)[2]		Monitoring Requirements	
	Monthly Ave	Daily Max	Monthly Ave	Daily Max	Measurement Frequency	Sample Type
Antimony	N/A[3]	0.212	NNS[4]	56	Quarterly	8-hr. Composite
Arsenic	N/A	0.189	NNS	50	Quarterly	8-hr. Composite
Beryllium	0.0201	0.246	5.3	65	Quarterly	8-hr. Composite
Cadmium[5]	0.00587	0.144	1.55	37.98	Quarterly	8-hr. Composite
Chromium VI	0.0416	0.0606	11	16	Quarterly	Discrete
Copper[5]	0.0633	0.0983	16.71	25.97	Quarterly	8-hr. Composite
Cyanide	0.0367	0.155	9.7	41	Quarterly	Discrete
Lead[5]	0.0202	0.518	5.33	136.8	Quarterly	8-hr. Composite
Mercury	0.000757	0.00984	0.2	2.6	Quarterly	8-hr. Composite
Nickel[5]	0.841	7.565	222.16	1998.39	Quarterly	8-hr. Composite
Selenium	0.00757	0.189	2.0	50	Quarterly	8-hr. Composite
Silver[5]	N/A	0.0308	NNS	8.15	Quarterly	8-hr. Composite
Sulfides	N/A	0.379	NNS	100	Quarterly	Discrete
Thallium	N/A	0.0454	NNS	12	Quarterly	8-hr. Composite
Zinc[5]	0.565	0.624	149.38	164.92	Quarterly	8-hr. Composite
Hardness ($CaCO_3$)	N/A	N/A	Report	Report	Quarterly	Discrete

Footnotes:

1. Concentration values are Arizona Water Quality Standards. Exceedances of these values will trigger a re-evaluation of reasonable potential and the permit may be reopened and modified to include limitations if necessary. Monitoring and reporting required.
2. $\mu g/L$ = Micrograms per Liter
3. N/A = Not Applicable
4. NNS = No Numeric Standard
5. Action levels listed are based on a hardness of 150 mg/l as $CaCO_3$. The effluent must be tested for hardness at the same time that these metals samples are taken.

2. The discharge shall be free from pollutants in amounts or combinations that:

   a. Settle to form bottom deposits that inhibit or prohibit the habitation, growth or propagation of aquatic life or that impair recreational uses;

   b. cause objectionable odor in the area in which the navigable water is located;

   c. cause off-taste or odor in drinking water;

   d. cause off-flavor in aquatic organisms or waterfowl;

   e. are toxic to humans, animals, plants or other organisms;

   f. cause the growth of algae or aquatic plants that inhibit or prohibit the habitation, growth or propagation of other aquatic life or that impair recreational uses;

   g. cause or contribute to a violation of an aquifer water quality standard prescribed in A.A.C. R18-11-405 or A.A.C. R18-11-406; or

   h. change the color of the navigable water from natural background levels of color.

3. The discharge shall be free from oil, grease and other pollutants that float as debris, foam, or scum; or that cause a film or iridescent appearance on the surface of the water; or that cause a deposit on a shoreline, bank or aquatic vegetation.

4. Samples taken in compliance with the monitoring requirements specified above shall be taken at the following locations:

   a. Influent samples shall be taken after the last addition to the collection system and prior to the first treatment process.

   b. Effluent samples shall be taken downstream from the last treatment process and prior to mixing with the receiving waters.

5. The discharge shall not:

   a. raise the natural ambient water temperature of the receiving water more than 3 °C;

   b. cause the turbidity of the receiving water to exceed 25 nephelometric turbidity units;

   c. lower the dissolved oxygen (D.O.) concentration of the receiving water to less than: 3 mg/L (from 3 hours after sunrise to sunset), or 1 mg/L (from sunset to 3 hours after sunrise). However, if the D.O. concentration of the surface water is less than the value given above for the time of day the sample is taken, but the percent saturation of oxygen is equal to or greater than 90%, then the surface water shall be deemed to be in compliance with the water quality standard for D.O.; or

d. cause the pH of the receiving water to change more than 0.5 standard units.

6. The permittee shall monitor the receiving water for D.O., pH, and temperature quarterly throughout the life of the permit in the general area where the effluent mixes with the receiving water. The permittee may need to conduct a dye test initially to determine where the effluent is mixing with the receiving water. The results of these surface water samples shall be included with the application for permit renewal, to be submitted at least 180 days prior to permit expiration.

B. MONITORING AND REPORTING

1. Sampling and Reporting Requirements

a. Influent and effluent monitoring results shall be reported on Discharge Monitoring Report (DMR) forms supplied by the Regional Administrator, to the extent that the results reported may be entered on the forms. The results of all monitoring required by this permit shall be submitted in such a format as to allow direct comparison with the limitations and requirements of this permit.

Unless otherwise specified, discharge flows shall be reported in terms of the average flow over each monthly period and the maximum daily flow over that monthly period. Each monthly report is due by the 28th day of the following month, i.e., the January report is due by February 28. Duplicate signed copies of these, and all other reports required herein, shall be submitted to the Regional Administrator and the State at the following addresses:

U.S. Environmental Protection Agency, Region IX
DMR/NPDES Mailcode: WTR-7
75 Hawthorne Street
San Francisco, CA 94105

Arizona Department of Environmental Quality
Water Quality Compliance Section
Data Entry Unit Mailcode: M0501B
3033 N. Central Avenue
Phoenix, AZ 8501

b. Sample collection, preservation and handling shall be performed as described in the most recent edition of 40 CFR 136.3 (Table II). Where collection, preservation and handling procedures are not outlined in 40 CFR 136.3, procedures outlined in the 18th edition of Standard Methods for the Examination of Water and Wastewater shall be used.

c. Proper sample collection, preservation and handling procedures shall be outlined in a Quality Assurance (QA) Manual. The requirement to maintain a QA Manual can be found under Section B.1(g) below. For effluent analyses, the permittee shall utilize an analytical method approved by EPA at the time of permit issuance with a published Method Detection Limit (MDL, as defined in Section D.5 of this permit) that is lower than the effluent limitations or water quality criteria. If all published MDLs are higher than effluent limitations or water

analytical method with the lowest published MDL. In accordance with 40 CFR 122.45(c), effluent analyses for metals shall measure "total recoverable metals".

In conjunction, the lowest calibration standard must be equal to or less than the ML (or applicable State practical quantitation level) of the most sensitive analytical method. When an ML is not available under 40 CFR 136 or a State practical quantitation level has not been adopted, an interim ML must be calculated by multiplying the promulgated MDL by a factor of 3.18.

d. For the purposes of reporting, the permittee shall use the reporting threshold equivalent to the laboratory's MDL. As such the permittee must utilize a standard calibration where the lowest standard point is equal to or less than the practical quantitation, (PQL), or, in the absence of a PQL, the minimum level (ML), as defined in Section D.6 of this permit.

For parameters with daily maximum limits or action levels, the permittee shall report, for samples collected during the monthly reporting period:

i. The *maximum value* of all analytical results, if the maximum value is greater than the ML or State quantitation level; or

ii. *NODI (Q)*[1], if the maximum value of all analytical results is greater than or equal to the laboratory's MDL, but less than the ML or State practical quantitation level; or

iii. *NODI (B)*[2], if the maximum value of all analytical results is less than the laboratory's MDL.

e. For parameters with monthly average limits or action levels, the permittee shall report, for samples collected during the monthly reporting period:

i. As directed above for maximum daily limits or action levels, if only one sample is collected during the monthly reporting period; or

ii. When calculating the *average value* of all analytical results, substitute one-half the MDL for *NODI (B)* and the *laboratory's MDL* is substituted for *NODI (Q)*, if more than one sample is collected during the monthly reporting period.

f. As an attachment to the DMR form, the permittee shall report for each value reported under paragraphs B.1.c and B.1.d:

i. The analytical result;

---

[1] NODI(Q) means "No discharge/No data" (Not quantifiable).

ii. The number or title of the approved analytical method, preparation and analytical procedure utilized by the laboratory, and published MDL or ML of the analytical method for the pollutant available under 40 CFR 136; and

iii. The laboratory's MDL, the standard deviation (S) from the laboratory's MDL study, and the number of replicate analyses (n) used to compute the laboratory's MDL; and/or PQL/ML, as applicable.

When requested by EPA and/or ADEQ/ADHS, the permittee shall participate in the NPDES DMR-QA performance study and shall submit their study results to EPA and ADEQ/ADHS. The permittee must have a success rate of at least 80 percent.

g. Quality Assurance Manual

The permittee shall develop a Quality Assurance (QA) Manual/QA Plan if he/she conducts water sample testing in-house. If the water samples are tested by an independent, state licensed laboratory, the permittee shall ensure that the laboratory has a QA Manual/QA Plan on file.

The purpose of the QA Manual is to assist in planning for the collection and analysis of samples and explaining data anomalies if they occur. As appropriate and applicable, the QA Manual shall include the details enumerated below. The QA Manual shall be retained on the permittee's premises and be available for review by EPA or ADEQ/ADHS upon request. The permittee, or the independent, licensed laboratory, shall review its QA Manual annually and revise it when appropriate. Throughout all field sampling and laboratory analyses, the permittee shall use quality assurance/quality control (QA/QC) procedures as documented in their QA Manual. The QA/QC Manual shall describe, at a minimum,:

i. Project Management including roles and responsibilities of the participants; purpose of sample collection; matrix to be sampled; the analytes or compounds being measured; applicable technical, regulatory, or program-specific action criteria; personnel qualification requirements for collecting samples;

ii. Sample collection procedures; equipment used; the type and number of samples to be collected including QA/QC samples (i.e., background samples, duplicates, and equipment or field blanks); preservatives and holding times for the samples (see 40 CFR Part 136.3);

iii. Identification of the laboratory to be used to analyze the samples; provisions for any proficiency demonstration that will be required by the laboratory before or after contract award such as passing a performance evaluation sample; analytical method to be used; method detection limit (MDL) and minimum level (ML) to be reported; required QC results to be reported (e.g., matrix spike recoveries, duplicate relative percent differences, blank contamination, laboratory control sample recoveries, surrogate spike recoveries, etc.) and acceptance criteria; and corrective actions to be taken by the permittee or the laboratory as a result of problems identified during QC checks; and

iv. Discussion of how the permittee will perform data review and requirements for reporting of results to EPA or ADEQ to include resolving of data quality issues and identifying limitations on the use of the data.

2. Monitoring and Records

Records of monitoring information shall include:

a. Date, exact location and time of sampling or measurements performed, preservatives used;

b. Individual(s) who performed the sampling or measurements;

c. Date(s) analyses were performed;

d. Laboratory(s) which performed the analyses;

e. Analytical techniques or methods used;

f. Any comments, case narrative or summary of results produced by the laboratory. These should identify and discuss QA/QC analyses performed concurrently during sample analyses and should specify whether they met project and 40 CFR Part 136 requirements. The summary of results must include information on initial and continuing calibration, surrogate analyses, blanks, duplicates, laboratory control samples, matrix spike and matrix spike duplicate results, sample receipt condition, holding times and preservation.

g. Summary of data interpretation and any corrective action taken by the permittee.

h. Effluent limitations for analytes/compound being analyzed.

3. Twenty-four Hour Reporting of Noncompliance

The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances to the following persons or their offices:

CWA Compliance Office Chief USEPA (415)744-1905	Water Quality Compliance Section Manager ADEQ (602) 207-4525

If the permittee is unsuccessful in contacting the persons above, the permittee shall report by 9 a.m. on the first business day following the noncompliance. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including dates and times, and, if the noncompliance has not been corrected, the time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

4. Intermittent Discharge Monitoring

If the discharge is intermittent rather than continuous, then on the first day of each such intermittent discharge, the permittee shall monitor and record data for all the characteristics listed in the monitoring requirements, after which the frequencies of analysis listed in the monitoring requirements shall apply for the duration of each such intermittent discharge. In no event shall the permittee be required to monitor and record data more often than twice the frequencies listed in the monitoring requirements. If there is no discharge, monitoring is not required.

5. Monitoring Modification

Monitoring, analytical, and reporting requirements may be modified by the Regional Administrator upon due notice.

6. Reporting of Capacity Attainment and Planning

The permittee shall file a written report with the State and EPA within ninety (90) days after the average dry-weather waste flow for any month either equals or exceeds 75 percent of the annual dry weather design capacity of the waste treatment and/or disposal facilities. The permittee's senior administrative officer shall sign a letter which transmits that report and certifies that the policy-making body is adequately informed about it. The report shall include:

a. Average daily flow for the month, the date on which the instantaneous peak flow occurred, the rate of that peak flow, and the total flow for the day.

b. The permittee's best estimate of when the average daily dry weather flow rate will equal or exceed the design capacity of the facilities.

c. The permittee's intended schedule for the studies, design, and other steps needed to provide additional capacity for the waste treatment and/or disposal facilities before the waste flow rate equals the capacity of present facilities.

C. OPERATION

The facilities or systems shall be operated by or under the supervision of an operator currently certified by the Arizona Department of Environmental Quality at the level appropriate to the facility or system.

D. DEFINITIONS

1. A "composite sample" means a time-proportioned mixture of not less than eight (8) discrete aliquots obtained at equal time intervals (e.g., 24-hour composite means a minimum of eight samples collected every three hours). The volume of each aliquot shall be directly proportional to the discharge flow rate at the time of sampling, but not less 100 ml. For flow rate measurements, the arithmetic mean of no fewer than eight (8) individual measurements taken at equal intervals for eight (8) hours or for the duration of discharge, whichever is shorter.

2. The "daily maximum concentration limit" means the measurement made on any single discrete sample or composite sample

3. The "daily maximum mass limit" means the total discharge by mass during any calendar day.

4. A "discrete" or "grab"sample means an individual sample collected from a single location at a specific time, or over a period of time not exceeding 15 minutes. Sample collection, preservation and handling shall be performed as described in the most recent edition of 40 CFR 136.3 (Table II). Where collection, preservation and handling procedures are not outlined in 40 CFR 136.3, procedures outlined in the 18th edition of Standard Methods for the Examination of Water and Wastewater shall be used.

5. The "Method Detection Limit (MDL)" is the minimum concentration of an analyte that can be detected with 99% confidence that the analyte concentration is greater than zero, as defined by the specific laboratory method listed in 40 CFR part 136. The procedure for determination of a laboratory MDL is in 40 CFR Part 136, Appendix B.

6. The "Minimum Level (ML)" is the concentration at which the entire analytical system must give a recognizable signal and acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all of the method-specified sample weights, volumes, and processing steps have been followed (as defined in EPA's draft National Guidance for the Permitting, Monitoring, and Enforcement of Water Quality-Based Effluent Limitations Set Below Analytical Detection/Quantitative Levels, March 22, 1994). Promulgated method-specific MLs are contained in 40 CFR Part 136, Appendix A and must be utilized if available. If a promulgated method-specific ML is not available, then an interim ML shall be calculated. The interim ML is equal to 3.18 times the promulgated method-specific MDL rounded to the nearest multiple of 1, 2, 5, 10, 20, 50, etc.

7. The "monthly or weekly average concentration limit", other than for fecal or total coliform bacteria, means the arithmetic mean of consecutive measurements made during calendar month or weekly period, respectively. The "monthly or weekly average" concentration for fecal or total coliform bacteria means the geometric mean of **a minimum of five** measurements made during a monthly or weekly period, respectively. The geometric mean is the nth root of the product of n numbers.

8. The "monthly or weekly average mass limitation" means the total discharge by mass during a calendar monthly or weekly period, respectively, divided by the number of days in the period that the facility was discharging. Where less than daily sampling is required by this permit, the monthly or weekly average value shall be determined by the summation of all the measured discharges by mass divided by the number of days during the monthly or weekly period when the measurements were made.

9. The "Practical Quantitation Level (PQL)" is the lowest concentration of the analyte that can be reliably measured within specified limits of precision and accuracy during routine laboratory operating conditions (as defined in the Federal Register on July 8, 1987 (52 FR 25699)) and as adopted by the State of Arizona.

BIOSOLIDS REQUIREMENTS

(Note: "Biosolids" refers to non-hazardous sewage sludge as defined in 40 CFR 503.9. Sewage sludge that is hazardous as defined in 40 CFR 261 must be disposed in accordance with RCRA. Sludge with PCB levels > 50 mg/kg must be disposed in accordance with 40 CFR 761.)

1. All biosolids generated by the permittee shall be used or disposed of in compliance with the applicable portions of:

   a. 40 CFR 503: for biosolids that are land applied, placed in surface disposal sites (dedicated land disposal sites or monofills), or incinerated:

   b. 40 CFR 258: for biosolids disposed in municipal solid waste landfills;

   c. 40 CFR 257: for biosolids use & disposal practices not covered under 40 CFR 258 or 503.

   40 CFR 503 Subpart B (land application) applies to biosolids applied for the purpose of enhancing plant growth or for land reclamation. 503 Subpart C (surface disposal) applies to biosolids placed on the land for the purpose of disposal.

   The permittee is responsible for assuring that all biosolids produced at its facility are used or disposed of in accordance with these rules, whether the permittee uses or disposes of the biosolids itself or transfers them to another party for further treatment, use, or disposal. The permittee is responsible for informing subsequent preparers, appliers, and disposers of the requirements that they must meet under these rules.

2. Duty to mitigate: The permittee shall take all reasonable steps to prevent or minimize any biosolids use or disposal which has a likelihood of adversely affecting human health or the environment.

3. No biosolids shall be allowed to enter wetlands or other waters of the United States.

4. Biosolids treatment, storage, use or disposal shall not contaminate groundwater.

5. Biosolids treatment, storage, and use or disposal shall not create a nuisance such as objectionable odors or flies.

6. The permittee shall assure that haulers transporting biosolids off site for treatment, storage, use, or disposal take all necessary measures to keep the biosolids contained.

7. If biosolids are stored for over two years from the time they are generated, the permittee must ensure compliance with all the requirements for surface disposal under 40 CFR 503 Subpart C, or must submit a written notification to EPA with the information in 40 CFR 503.20 (b), demonstrating the need for longer temporary storage.

8. Any biosolids treatment, disposal, or storage site shall have facilities adequate to divert surface runoff from adjacent areas, to protect the site boundaries from erosion, and to prevent

any conditions that would cause drainage from the materials in the site to escape from the site. Adequate protection is defined as protection from at least a 100-year storm.

9. The permittee shall design the local limits in its pretreatment program (if applicable) to achieve the metals concentration limits in Table 3 of 40 CFR 503.13.

10. Inspection and Entry: The permittee shall allow the U.S. EPA, ADEQ, or an authorized representative thereof, upon the presentation of credentials, to:

a. enter upon all premises where biosolids produced by the permittee are treated, stored, used, or disposed, either by the permittee or by another party to whom the permittee transfers the biosolids for treatment, storage, use, or disposal;

b. have access to and copy any records that must be kept under the conditions of this permit or of 40 CFR 503, by the permittee or by another party to whom the permittee transfers the biosolids for further treatment, storage, use, or disposal; and

c. inspect any facilities, equipment (including monitoring and control equipment), practices, or operations used in the biosolids treatment, storage, use, or disposal by the permittee or by another party to whom the permittee transfers the biosolids for treatment, use, or disposal.

11. Monitoring shall be conducted as follows:

a. Biosolids shall be tested for the metals required in 40 CFR 503.16 (for land application) using the methods in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (SW-846, Third Edition, Update 3), as required in 40 CFR 503.8(b)(4), at the following minimum frequencies:

Volume Generated (on a dry weight basis)	Monitoring Frequency
0-290 dry metric tons	Once per year
290-1500 dry metric tons	Once per quarter
1500-15,000 dry metric tons	Once per 60 days
over 15,000 dry metric tons	Once per month

For accumulated, previously untested biosolids, the permittee shall develop a representative sampling plan, including number and location of sampling points, and collect representative samples.

Test results shall be expressed in milligram of pollutant per killigram of biosolids on a 100% dry weight basis.

Biosolids to be land applied shall be tested for organic-N, ammonium-N, and nitrate-N at the frequencies required above.

b. Prior to land application, the permittee shall document the methods used to demonstrate that the biosolids meet Class A or Class B pathogen reduction levels by one of the methods listed in 40 CFR 503.32. If pathogen reduction is demonstrated using a Process to Significantly/Further Reduce Pathogens, the permittee shall maintain daily records of the operating parameters used to achieve this reduction. If pathogen reduction is demonstrated by testing for fecal coliforms and/or pathogens, samples must be drawn at the frequency in 11(a) above. For fecal coliform, at least seven grab samples must be drawn during each monitoring event and a geometric mean calculated from these 7 samples.

c. The permittee shall track and keep records of the operational parameters used to achieve Vector Attraction Reduction requirements in 40 CFR 503.33(b).

d. Class 1 facilities (facilities with pretreatment programs or others designated as Class 1 by the Regional Administrator) shall sample biosolids for pollutants listed under Section 307(a) of the Act. Class 1 facilities shall test dioxins/dibenzofurans using a detection limit of < 1 pg/g at the time of their next priority pollutant scan if they have not done so within the past 5 years, and once every 5 years thereafter.

e. The biosolids shall be tested annually, or more frequently if necessary, to determine hazardousness in accordance 40 CFR 261.

f. Biosolids placed in a municipal landfill shall be tested by the Paint Filter Test (method 9095) at the frequency in 11(a) above or more often if necessary to demonstrate that there are no free liquids.

12. The permittee, either directly or through contractual arrangements with their biosolids management contractors, shall comply with the following notification requirements:

a. Notification of non-compliance: The permittee shall notify EPA Region 9 and ADEQ of any non-compliance within 24 hours if the non-compliance may seriously endanger health or the environment. For other instances of non-compliance, the permittee shall notify EPA Region 9 and the ADEQ the non-compliance in writing within 5 working days of becoming aware of the non-compliance. The permittee shall require their biosolids management contractors to notify EPA Region 9 and the ADEQ of any non-compliance within the same time-frame.

b. If biosolids are shipped to another State or to Indian Lands, the permittee must send 60 days prior notice of the shipment to the permitting authorities in the receiving State or Indian Land (the EPA Regional Office for that area and the State/Indian authorities).

c. For land application:

Prior to reuse of any biosolids from this facility to a new or previously unreported site, the permittee shall notify EPA and ADEQ. The notification shall include a description and topographic map of the proposed site(s), names and addresses of the applier, and site owner and a listing of any state or local permits which must be obtained. The plan

shall include a description of the crops or vegetation to be grown, proposed loading rates and determination of agronomic rates.

If any biosolids within a given monitoring period do not meet 40 CFR 503.13 Table 3 metals concentration limits, the permittee (or its contractor) must pre-notify EPA, and determine the cumulative metals loading at that site to date, as required in 40 CFR 503.12.

The permittee shall notify the applier of all the applier's requirements under 40 CFR Part 503, including the requirement that the applier certify that the management practices, site restrictions, and any applicable vector attraction reduction requirements have been met. The permittee shall require the applier to certify at the end of 38 months following application of Class B biosolids that the harvesting restrictions in effect for up to 38 months have been met.

13. The permittee shall submit an annual biosolids report to the EPA Region 9 Biosolids Coordinator and ADEQ by February 19 of each year for the period covering the previous calendar year. The report shall include:

a. The amount of biosolids generated that year, in dry metric tons, and the amount accumulated from previous years.

b. Results of all pollutant monitoring required in the Monitoring Section above. Results must be reported on a 100% dry weight basis.

c. Descriptions of pathogen reduction methods and vector attraction reduction methods, as required in 40 CFR 503.17 and 40 CFR 503.27, and certifications.

d. Names, mailing addresses, and street addresses of persons who received biosolids for storage, further treatment, disposal in a municipal waste landfill, or for other use or disposal methods not covered above, and volumes delivered to each.

e. For land application sites, the following information must be submitted by the permittee, unless the permittee requires its biosolids management contractors to report this information directly to EPA and/or ADEQ:

i. Locations of land application sites (with field names and numbers) used that calendar year, size of each field applied to, applier, and site owner;

ii. Volumes applied to each field (in wet tons and dry metric tons), nitrogen applied, calculated plant available nitrogen;

iii. Crop planted, date of planting, date of harvesting;

iv. For any biosolids exceeding 40 CFR 503.13 Table 3 metals concentrations: locations of sites where applied & cumulative metals loading at that site to

v. Certifications of management practices in 40 CFR 503.14; and

vi. Certifications of site restrictions in 40 CFR 503.32(b)(5).

14. Reports shall be submitted to:

Regional Biosolids Coordinator US EPA Region 9 (WTR-7) 75 Hawthorne St. San Francisco, CA 94105-3901	Arizona Dept.of Environmental Quality Water Permits Section (M0401A) Federal Permits & Program Development Unit 3033 N. Central Avenue Phoenix, AZ 85012

F. WHOLE EFFLUENT TOXICITY TESTING

The permittee shall conduct chronic toxicity tests on 8-hour composite effluent samples twice during the life of this permit. The first test shall be conducted as soon as possible after completion of modifications to this facility from a trickling filter to an oxidation ditch and no later than the end of the 2nd year of this permit. The results of the first test should be submitted to ADEQ/EPA with the first DMR(s) due after the toxicity results are received. The second chronic toxicity test must be conducted in the fourth year of this permit and all toxicity sampling results submitted with the permit renewal application. Samples shall be taken at the NPDES sampling location.

1. Test Species and Methods:

a. The permittee shall conduct short-term tests with the water flea, *Ceriodaphnia dubia* (survival and reproduction test), the fathead minnow, *Pimephales promelas* (larval survival and growth test) and the green alga, *Selanastrum capricornatum* (growth test).

b. The presence of chronic toxicity shall be estimated as specified in Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms, Third Edition, EPA/600/4-91/002, July 1994 or subsequent editions.

2. Definition of Toxicity

a. Chronic toxicity measures a sublethal effect (e.g., reduced growth, reproduction) to experimental test organisms exposed to an effluent or ambient waters compared to that of the control organisms. The chronic toxicity monitoring triggers are: 1) 1.0 TUc based on any monthly median and/or 2) any one test result greater than 2.0 TUc.

b. Results shall be reported in TUc, where TUc = 100/NOEC (in percent effluent). The no observed effect concentration (NOEC) is the highest concentration of toxicant to which organisms are exposed in a chronic test, that causes no observable adverse effect on the test organisms (e.g., the highest concentration of toxicant to which the values for the observed responses are not statistically significant different from the controls).

3. Quality Assurance

   a. A series of 5 dilutions (12.5, 25, 50, 75 & 100% effluent) and a control will be tested.

   b. If organisms are not cultured in-house, concurrent testing with reference toxicants shall be conducted. Where organisms are cultured in-house, monthly reference toxicant testing is sufficient. Reference toxicants shall also be conducted using the same test conditions as the effluent toxicity tests (i.e., same test duration, etc).

   c. If either of the reference toxicant test or the effluent tests do not meet all test acceptability criteria as specified in the manual, then the permittee must re-sample and re-test within 14 days. Control and dilution water should be lab water, as appropriate, as described in the manual. If the dilution water used is different from the culture water, a second control, using culture water shall also be used.

4. Reporting

   The permittee shall submit the results of the first toxicity test with the first DMR(s) due after the toxicity results are received. The permittee shall submit these results again along with the results of the second toxicity test with the renewal application, at least six months prior to permit expiration.

5. Reopener

   This permit may be modified in accordance with the requirements set forth at 40 CFR Parts 122 and 124, to include appropriate conditions or limits to address demonstrated effluent toxicity based on newly available information, or to implement any EPA-approved new State water quality standards applicable to effluent toxicity.

EPA REGION IX STANDARD FEDERAL NPDES PERMIT CONDITIONS

(Updated as of May 10, 1990)

1. Duty to Reapply [40 CFR 122.21(d)]

The Permittee shall submit a new application 180 days before the existing permit expires. 122.2(c)(2) POTW's with currently effective NPDES permits shall submit with the next application the sludge information listed at 40 CFR 501.15(a)(2).

2. Applications [40 CFR 122.22]

a. All applications shall be signed as follows:

1) For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

a) A president, secretary, treasurer, or vice-president of the corporation in charge of a principle business function, or any other person who performs similar policy- or decision-making functions for the corporation, or

b) The manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

3) For a municipality, State, Federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (i) The chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

b. All reports required by permits and other information requested by the Director shall be signed by a person described in paragraph (a) of this Section, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

1) The authorization is made in writing by a person described in paragraph (a) of this section;

2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an

individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) and,

3) The written authorization is submitted to the Director.

c. Changes to Authorization. If an authorization under paragraph (b) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph (b) of this section must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

d. Certification. Any person signing a document under paragraph (a) or (b) of this section shall make the following certification:

I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

3. Duty to Comply [40 CFR 122.41(a)]

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

a. The permittee shall comply with the effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the CWA within the time provided in the regulation that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

b. The Clean Water Act provides that:

1) Any person who causes a violation of any condition in this permit is subject to a civil penalty not to exceed $25,000 per day of each violation. Any person who negligently causes a violation of any condition in this permit is subject to a fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment for not more than one year, or both for a first conviction. For a second conviction, such a person is subject to a fine of not more than $50,000 per day of violation, or by imprisonment for not more than two years, or both. [Updated pursuant to the Water Quality Act of 1987]

2) Any person who knowingly causes a violation of any condition of this permit is subject to a fine of not less than $5,000 nor more than $50,000 per day of violation, or by imprisonment for not more than three years, or both for a first conviction. For a second conviction, such a person is subject to a fine of not more than $100,000 per day of violation, or by imprisonment for not more than six years, or both. [Updated pursuant to the Water Quality Act of 1987]

3) Any person who knowingly causes a violation of any condition of this permit and, by doing so, knows at that time that he thereby places another in imminent danger of death or serious bodily injury shall be subject to a fine of not less than $250,000, or imprisonment for not more than 15 years, or both. A person who is an organization and violates this provision shall be subject to a fine of not more than $1,000,000 for a first conviction. For a second conviction under this provision, the maximum fine and imprisonment shall be doubled. [Updated pursuant to the Water Quality Act of 1987]

4. Need to Halt or Reduce Activity Not a Defense [40 CFR 122.41(c)]

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

5. Duty to Mitigate [40 CFR 122.41(d)]

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

6. Proper Operation and Maintenance [40 CFR 122.41(e)]

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

7. Permit Actions [40 CFR 122.41(f)]

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

8. Property Rights [40 CFR 122.41(g)]

a. Planned changes. The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

1) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or

2) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR 122.42(a)(1).

3) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

b. Anticipated noncompliance. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

c. Transfers. This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Clean Water Act. (See 40 CFR 122.61; in some cases, modification or revocation and reissuance is mandatory).

d. Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.

1) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Director for reporting results of monitoring of sludge use or disposal practices.

2) If the Permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR Part 136 or in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503, as specified in the permit, then the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR, or sludge reporting form specified by the Director.

3) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.

e. Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

f. Twenty-four hour reporting.

1) The permittee shall report any noncompliance which may endanger human health or the environment. Any information shall be provided orally within 24 hours from the time the Permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

2) The following shall be included as information which must be reported within 24 hours under this paragraph.

a) Any unanticipated bypass which exceeds any effluent limitation in the permit. (See 40 CFR 122.41(g))

b) Any upset which exceeds any effluent limitation in the permit.

c) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported within 24 hours. (See 40 CFR 122.44(g))

g. Other noncompliance. The permittee shall report all instances of noncompliance not reported under paragraphs (4), (5), and (6) of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (6) of this section.

h. Other information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

14. Bypass [40 CFR 122.41(m)]

a. Definitions

1) "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

b. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (3) and (4) of this section.

c. Notice.

1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of bypass.

2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in paragraph (a)(6) of section 13 (24-hour notice).

d. Prohibition of bypass.

1) Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:

a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment down time. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

c) The permittee submitted notices as required under paragraph (3) of this section.

2) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph (4)(i) of this section.

15. Upset [40 CFR 122.41(n)]

a. Definition. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

b. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of paragraph (3) of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

c. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defenses of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

1) An upset occurred and that the permittee can identify the cause(s) of the upset;

2) The permitted facility was at the time being properly operated; and

3) The permittee submitted notice of the upset as required in paragraph 13)(6)(ii)(B) (24-hour notice).

4) The permittee complied with any remedial measures required under 40 CFR 122.41(d).

d. Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

16. Existing Manufacturing, Commercial, Mining, and Silvicultural Dischargers [40 CFR 122.42(a)]

In addition to the reporting requirements under 40 CFR 122.41(l), all existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Director as soon as they know or have reason to believe:

a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

1) One hundred micrograms per liter (100 µg/l);

2) Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;

3) Five times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or

4) The level established by the Director in accordance with 40 CFR 122.44(f).

b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

1) Five hundred micrograms per liter (500 µg/l);

2) One milligram per liter (1 mg/l) for antimony;

3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7);

4) The level established by the Director in accordance with 40 CFR 122.44(f).

17. Publicly Owned Treatment Works [40 CFR 122.42(b)]

This section applies only to publicly owned treatment works as defined at 40 CFR 122.2.

a. All POTW's must provide adequate notice to the Director of the following:

1) Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 or 306 of the CWA if it were directly discharging those pollutants; and

2) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.

3) For the purposes of this paragraph, adequate notice shall include information on (i) the quality and quantity of effluent introduced into the POTW, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharge from the POTW.

b. [The following condition has been established by Region 9 to enforce applicable requirements of the Resource Conservation and Recovery Act] Publicly owned treatment works may not

receive hazardous waste by truck, rail, or dedicated pipe except as provided under 40 CFR 270. Hazardous wastes are defined at 40 CFR 261 and include any mixture containing any waste listed under 40 CFR 261.31 - 261.33. The Domestic Sewage Exclusion (40 CFR 261.4) applies only to wastes mixed with domestic sewage in a sewer leading to a publicly owned treatment works and not to mixtures of hazardous wastes and sewage or septage delivered to the treatment plant by truck.

18. Reopener Clause [40 CFR 122.44(c)]

This permit shall be modified or revoked and reissued to incorporate any applicable effluent standard or limitation or standard for sewage sludge use or disposal under sections 301(b)(2)(C), and (D), 304(b)(2), 307(a)(2) and 405(d) which is promulgated or approved after the permit is issued if that effluent or sludge standard or limitation is more stringent than any effluent limitation in the permit, or controls a pollutant or sludge use or disposal practice not limited in the permit.

19. Privately Owned Treatment Works

[The following conditions were established by Region 9 to enforce applicable requirements of the Resource Conservation and Recovery Act and 40 CFR 122.44(m)]

This section applies only to privately owned treatment works as defined at 40 CFR 122.2.

a. Materials authorized to be disposed of into the privately owned treatment works and collection system are typical domestic sewage. Unauthorized material are hazardous waste (as defined at 40 CFR Part 261), motor oil, gasoline, paints, varnishes, solvents, pesticides, fertilizers, industrial wastes, or other materials not generally associated with toilet flushing or personal hygiene, laundry, or food preparation, unless specifically listed under "Authorized Non-domestic Sewer Dischargers" elsewhere in this permit.

b. It is the permittee's responsibility to inform users of the privately owned treatment works and collection system of the prohibition against unauthorized materials and to ensure compliance with the prohibition. The permittee must have the authority and capability to sample all discharges to the collection system, including any from septic haulers or other un-sewered dischargers, and shall take and analyze such samples for conventional, toxic, or hazardous pollutants when instructed by the permitting authority or by an EPA, State, or Tribal inspector. The permittee must provide adequate security to prevent unauthorized discharges to the collection system.

c. Should a user of the privately owned treatment works desire authorization to discharge non-domestic wastes, the permittee shall submit a request for permit modification and an application, pursuant to 40 CFR 122.44(m), describing the proposed discharge. The application shall, to the extent possible, be submitted using EPA Forms 1 and 2C, unless

another format is requested by the permitting authority. If the privately owned treatment works or collection system user is different from the permittee, and the permittee agrees to allow the non-domestic discharge, the user shall submit the application and the permittee shall submit the permit modification request. The application and request for modification shall be submitted at least 6 months before authorization to discharge non-domestic wastes to the privately owned treatment works or collection system is desired.

20. Transfers by Modification [40 CFR 122.61(a)]

Except as provided in section 21, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued (under 40 CFR 122.62(b)(2)), or a minor modification made (under 40 CFR 122.63(d)), to identify the new permittee and incorporate such other requirements as may be necessary under the CWA.

21. Automatic Transfers [40 CFR 122.61(b)]

An alternative to transfers under section 20, any NPDES permit may be automatically transferred to a new permittee if:

a. The current permittee notifies the Director at least 30 days in advance of the proposed transfer date in paragraph (2) of this section;

b. The notice includes a written agreement between the existing and new permittee containing a specific date for transfer of permit responsibility, coverage, and liability between them; and

c. The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify or revoke and reissue the permit. A modification under this subparagraph may also be a minor modification under 40 CFR 122.63. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph (2) of this section.

22. Minor Modification of Permits [40 CFR 122.63]

Upon the consent of the permittee, the Director may modify a permit to make the corrections or allowances for changes in the permitted activity listed in this section, without following the procedures of 40 CFR Part 124. Any permit modification not processed as a minor modification under this section must be made for cause and with 40 CFR Part 124 draft permit and public notice as required in 40 CFR 122.62. Minor modifications may only:

a. Correct typographical errors;

b. Require more frequent monitoring or reporting by the permittee;

c. Change an interim compliance date in a schedule of compliance, provided the new date is not more than 120 days after the date specified in the existing permit and does not interfere with attainment of the final compliance date requirement;

d. Allow for a change in ownership or operational control of a facility where the Director determines that no other change in their permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the Director.

e. Change the construction schedule for a discharger which is a new source. No such change shall affect a discharger's obligation prior to discharge under 40 CFR 122.29.

f. Delete a point source outfall when the discharge from that outfall is terminated and does not result in discharge of pollutants from other outfalls except in accordance with the permit limits.

g. When the permit becomes final and effective on or after March 9, 1982, conform to changes respecting 40 CFR 122.41(e), (l), (m)(4)(i)(B), (n)(3)(i), and 122.42(a) issued September 26, 1984.

h. Incorporate conditions of a POTW pretreatment program that has been approved in accordance with the procedures in 40 CFR 403.11 as enforceable conditions of the POTW's permit.

23. Termination of Permits [40 CFR 122.64]

The following are causes for terminating a permit during its term, or for denying a permit renewal application:

a. Noncompliance by the permittee with any condition of the permit;

b. The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time;

c. A determination that the permitted activity endangers human health or the environment and can only by regulated to acceptable levels by permit modification or termination; or

d. A change in any condition that requires either a temporary or a permanent reduction or elimination of any discharge controlled by the permit (for example, a plant closure or termination of discharge by connection to a POTW).

24. Availability of Reports [Pursuant to Clean Water Act Section 308]
Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Regional Administrator. As required by the Act, permit applications, permits, and effluent data shall not be considered confidential.

25. Removed Substances [Pursuant to Clean Water Act Section 301]

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters.

26. Severability [Pursuant to Clean Water Act Section 512]

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and remainder of this permit, shall not be affected thereby.

27. Civil and Criminal Liability [Pursuant to Clean Water Act Section 309]

Except as provided in permit conditions on "Bypass" (Section 14) and "Upset" (Section 15), nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

28. Oil and Hazardous Substance Liability [Pursuant to Clean Water Act Section 311]

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act.

29. State or Tribal Law [Pursuant to Clean Water Act Section 510]

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the operator from any responsibilities, liabilities, or penalties established pursuant to any applicable State or Tribal law or regulation under authority preserved by Section 510 of the Clean Water Act.